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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER WILSON, GREGORY A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/785,303
Filing Date: February 24, 2004
Appellant(s): JANESKY, LAWRENCE M.

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Janik Marcovici
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/4/07 appealing from the Office action
mailed 12/29/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,026,082	Crofoot	5-1977
6,601,356	Snyder	8-2003
2,834,278	Crute, Jr.	5-1955

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Crofoot (4,026,082)** in view of **Snyder (6,601,356)** and further in view of **Crute, Jr. (2,834,278)**. **Crofoot** discloses the applicants primary inventive concept including a vent frame/cover (SEE Figures 1, 2, 5 and 6) which can be attached to cover an opening in a wall (and hence a crawlspace opening), it has a rectangular panel (SEE Figure 1 & 3) molded from hard plastic materials (SEE column 2, lines 40-42) and a flange portion which mounts the vent cover flush with the wall structure. A flat outer surface (10) is surrounded by recessed peripheral border (shown in figure 2). The vent cover furthermore includes projecting reinforcing ribs (4) which reinforce the panels

against warpage when they are fastened to the wall (SEE column 2, lines 36-42). The ribs project outwardly from the surface of which they are attached which is the inner surface with reference to the opening in which the vent cover is mounted into, extending the width of the recess and are spaced "about" 3 inches from at least one other rib (SEE Figure 6). Crofoot does not particularly disclose a plurality of holes for receiving attachment means for fastening the cover to the crawlspace wall, however the rectangular vent cover taught by Snyder teaches a plurality of screw holes (105) in the flange portion of the frame. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified the flange portion of the vent frame of Crofoot to include screw holes with accompanying screws as taught by Snyder for the purpose of securing the vent frame/cover to the wall of a building structure. With regard to claims 2 and 3, Crofoot discloses the sealing of the vent cover to the peripheral wall (SEE column 3, line 41-64) but does not the bonding as described by the applicant. Crute, Jr teaches that it is known to provide a vent cover with a sealing gasket and also for sealing engagement with the adjacent surface of the wall around the opening therethrough (SEE column 2, lines 14-19). It would have been obvious to a person having ordinary skill in the art to at the time the invention was made to provide the closure of Crofoot with the sealing means as taught by Crute, Jr for the purpose of providing a continuous seal between the border of the vent cover and the surface of the adjacent wall.

(10) Response to Argument

**RESPONSE TO APPLICANT'S ARGUMENT REGARDING CLAIM 1 ARE NOT
OBVIOUS OVER CROFOOT IN VIEW OF SNYDER AND FURTHER IN VIEW OF
CRUTE, JR. UNDER 35 U.S.C. 103.**

In response to applicants argument that nowhere does Crofoot disclose or suggest an air vent cover comprising rectangular panels with a flat outer surface surrounded by a recessed peripheral border, the examiner respectfully disagrees and directs applicants attention to Figure 1 of the prior art reference of Crofoot which shows a rectangular vent cover made of panels and having a flat *outer surface which is* represented by element (10) forming a singular integral structure as shown in Figure 3 with the vent cover (elements 1 and 2), element (1) represents the recessed peripheral border forming the rectangular panels which surround the flat outer surface (10) and has a face surface (2) which mounts flush with the wall and when used with the teaching of Snyder (6,601,356) can be provided with securing holes. Applicant argues that flange portion (2) does not mount the vent cover to the wall because the flat outer surface (10) is secured to the vent frame by flanges (11), however the examiner notes that the applicant appears to be using the term "flat outer surface" and "cover" interchangeably wherein the examiner is viewing the flat outer surface as part of a whole vent cover structure as is claimed by the applicant. Since the complete vent cover structure as shown in Figures 1 and 3 is seen as a whole (integral) structure, the flange portion (2) indeed mounts the flat outer surface (10) to the wall. The applicants argument that

Crofoot does not disclose a recessed inner surface which is provided with projecting reinforcing ribs which extends across the width of the panel to reinforce against warpage is not persuasive and such a limitation of the ribs being on the inner surface is not considered a patentable limitation in view of Crofoot, since Crofoot clearly teaches in Figure 6, a plurality of reinforcing ribs (4) which provide the exact function of the applicants limitation, furthermore the ribs (4) are an integral component with the vent cover and nowhere has the applicant disclosed that having the ribs placed on the inner surface solves any stated problem in a new or unexpected way or has any criticality which is unobvious to one having ordinary skill in the art. Additionally applicants argument that Crofoot does not suggest nor disclose that the sheet cover (10) has "projecting reinforcing ribs" is moot since on lines 11-12 of claim 1, the applicant claims that the projecting reinforcing ribs are on the recessed inner surface, which is interpreted as the inner surface of the projecting peripheral border, ie: as better shown in Figure 9 which shows the reinforcing rib (4) on the inner contacting surface with the hole opening in which the vent cover is being mounted into. Additionally since the structure as a whole is being interpreted as an integral structure, the projecting ribs is part of the cover (10).

Applicant argues that Snyder does not remedy the Crofoot mounting deficiency, arguing that the screw holes (105) are not located in a vent cover, but instead are located on the connector frame. The argument is not persuasive and it is noted by the examiner that the fact that the grill (32) of Snyder does not have a flat outer surface surrounded by a recessed peripheral border is irrelevant to the manner in which Snyder

is implemented by the examiner. Snyder teaches a connector frame for ventilation opening in the wall of a building. The connector frame which functions as a type of cover (since it covers the opening) is mounted by its flange portion (102) to the wall of the building by screws through hole openings (150). The flange portion (102) is equivalent to the flange portion (2) of Crofoot. It is furthermore noted that Snyder is not being implemented for anything related to reinforcing ribs and therefore the applicants arguments to these features are moot.

Applicants argument as they pertain to Crute, specifically that Crute discloses a vent closure having a flat closing wall portion (20) terminating at a peripheral edge (22) and a single central hole (ie: an opening in the wall of a building) defined by a sleeve for a mounting bolt (34). Applicant furthermore argues that Crute does not include a teaching of a recessed peripheral border with a plurality of holes for receiving attachment means for fastening the cover to the wall and furthermore there is no teaching of reinforcing ribs. This argument is likewise considered moot since Crute, Jr has not been introduced as a reference to address these limitations and is not considered relevant art because of the aforementioned limitations. Crute, Jr is considered relevant art because it teaches a vent cover that covers a vent opening (12) of the wall (10) of a building. Crute, Jr, Snyder, and Crofoot all teach vent covering structure mounted into an opening in the wall of a building. Crute, Jr. teaches that it is well known in the art to provide sealing (30) between the vent covering and the wall and it is for this reason it has been implemented. The material of the sealing is described as being possibly a sponge rubber or other suitable material; such a material would be

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penetrable by a screw or fastening means as would be required by the fastener teaching of Snyder with a reasonable expectation of success.

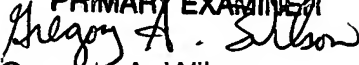
RESPONSE TO APPLICANT'S ARGUMENT REGARDING CLAIMS 4 AND 5 ARE NOT OBVIOUS OVER CROFOOT IN VIEW OF SNYDER AND FURTHER IN VIEW OF CRUTE, JR. UNDER 35 U.S.C. 103.

With regard to applicants argument as they pertain to claim 4, as previously discussed, Crofoot clearly teaches in Figure 6, a plurality of reinforcing ribs (4) which provide the exact function of the applicants claimed invention and as previously mentioned has ribs (4) on the inner contacting surface which contacts the hole opening in which the vent cover is being mounted into. Crofoot furthermore teaches that the ribs project outwardly from the attached surface and cover a distance substantially the width of the structure (ie: a distance equal to the extent of the recess) and furthermore with regards to claim 5, a singular rib is spaced from another rib by about 3 inches (it does not have to be the adjacent rib) as shown in Figure 6.

For the above reasons, it is believed that the rejections should be sustained.

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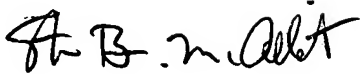
Respectfully submitted,

GREGORY WILSON
PRIMARY EXAMINER

Gregory A. Wilson

Primary Examiner

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Steve McAllister 

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August 22, 2007